

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

DISTRICT OF NH  
FILED

2020 JUL 29 P 4:51

Sensa Verogna, Plaintiff, )  
v. )  
Twitter Inc., Defendant. )

Case #: 1:20-cv-00536-SMOUR DEPOSITORY

**PLAINTIFF'S FIRST RULE 201 MOTION FOR JUDICIAL NOTICE**

1. Sensa Verogna ("Plaintiff"), respectfully files this First Motion for Judicial Notice of adjudicative facts in this case regarding the known facts surrounding Defendant, Twitter, Inc. ("Twitter('s)'), pleading or Motion to Dismiss Complaint or Alternatively Transfer, (herein after as "Motion"). [See Doc. 3], filed with the Court on June 1, 2020, on behalf of Twitter by attorneys, "Attorney Schwartz" and "Attorney Eck". In support of this Objection, Plaintiff includes and supplies the Court with the necessary information proceeding each fact and states as follows:

2. The facts the Plaintiff seeks judicial notice of, are facts that can be found utilizing pleadings, declarations or other documents that are already within the record and thus a supporting declaration has not been attached as would normally be required through Local Rule 7.1. These include all documents, memorandum of law, declarations and attached Exhibits within the Court record of this case;

A. Dockets 1, 7, 12, 14, 3, 34, 38, 39 filed by the Plaintiff.

B. Dockets 3, 9, 17, 22, 25, 28 filed by the Defendant.

3. The facts the Plaintiff seeks judicial notice on under Rule 201 are not subject to reasonable dispute in that (1) they are the words or documents that come from the Defendant or the Defendant's Counsel or they are (2) generally known within the territorial jurisdiction of the trial court or (3) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned, " See FED.R.EVID 201(b); See *Lussier v. Runyon*, 50 F.3d 1103,

1105-06 (1st Cir.1995) ("Courts have tended to apply Rule 201(b) stringently. . . ."). Nevertheless, depending on the content, facts reported in newspaper articles may be considered "generally known." \*26 See 1-201 WEINSTEIN'S FEDERAL EVIDENCE § 201.11[2]; compare *Cofield v. Alabama Public Serv. Comm'n*, 936 F.2d 512, 517 (11th Cir.1991) ("That a statement of fact appears in a daily newspaper does not of itself establish that the stated fact is 'capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.'"); *Fant v. Residential Servs. Validated Publ'ns*, 1:06-CV-00934-SMS, 2007 WL 833178, 2007 U.S. Dist. LEXIS 23010 (E.D.Cal. Mar. 16, 2007); with *Ritter v. Hughes Aircraft Co.*, 58 F.3d 454, 458 (9th Cir.1995).

4. Additionally the Defendants have not refuted many of the facts the Plaintiff seeks judicial notice of in any pleading.

A. Plaintiff asks this Court to take Judicial Notice of the following facts:

1. On May 4, 2020, plaintiff filed a complaint against defendant alleging violations of U.S.C. §1981 in Claim I, for violations of 42 U.S.C. § 2000a AND N.H.R.S.A 354-A:17 in Claim II and for violation of plaintiffs Constitutional Rights in Claim III. [Doc. 1 ¶ 1].

2. On May 11, 2020, defendant was duly served the summons and complaint by a service processor to the agent of record for Twitter Inc., The Corporation Trust Company Corporation, Trust Center, 1209 Orange Street, Wilmington, DE 19801.

3. On May 18, 2020, plaintiff submitted to the court, Return of Service Executed as to Twitter Inc.

4. Defendant was required under Rule 12, to answer Plaintiff's Complaint on or before June 1, 2020. [Fed. R. of C.P 12].

50           5.       The act of appearing in court to assert or defend claims on behalf of another lies at  
51 the very heart of the practice of law.

52           6.       Attorney Schwartz's absence of her signature is moot, as she still "presented" the  
53 Motion to the Court by including her name onto the document while advocating and representing  
54 Twitter the Defendant in a responsive pleading before the Court.

55           7.       Submitting and appearing before the court by an Attorney who had not been granted  
56 pro hac vice status prior to the filing is practicing the "unauthorized practice of law" under N.H.  
57 RSA 311:7.

58           8.       Attorney Schwartz's act of submitting a motion before this Court constitutes "the  
59 practice of law."

60           9.       Attorney Schwartz's Motion is defined as an appearance before the Court.

61           10.      Attorney Schwartz;

62                   A. is an attorney admitted to practice in another state.

63                   B. counseled Twitter on New Hampshire Laws.

64                   C. drafted the Motion on behalf of Twitter.

65                   D. is not authorized by law to practice law in New Hampshire.

66                   E. has never received this Courts approval to appear pro hac vice.

67                   F. continues to counsel, draft and submit pleadings on behalf of Twitter.

68                   G. through Attorney Eck, filed for pro hac vice on June 8, 2020.

69           11.      On June 1, 2020, Attorney Schwartz;

70                   A. submitted a motion to the court on behalf of herself.

71                   B. submitted the motion to the court on behalf of Twitter.

72                   C. was not authorized by law to practice in New Hampshire.

73 D. admits that a motion for pro hac vice admission had not been filed with the court.

74 E. had not requested pro hac vice from this court.

75 F. was not authorized to appear or practice before this court.

76 G. did not formally start any application procedure for admission.

77 H. had not paid any fee's to this court.

78 I. had not taken any oath before this court.

79 J. had not motioned the court for a special admission under Local Rule 83.1(d).

80 K. had not submitted any supporting affidavit to this court.

81 L. had not motioned the court for a limited appearance for preparing documents  
82 such as her Motion pursuant to Local Rule 83.7.

83 M. had not been granted any leave to file pro hac vice by this court.

84 12. The Doc. 7.2, Declaration attached "Exhibit A", is an e-mail correspondence from  
85 Jonathan Eck to Sensa Verogna on June 4, 2020

86 13. "Exhibit A" indicates that on June 4, Attorney Ecks' believed Attorney Schwartz;

87 A. was not allowed to appear and practice before this Court.

88 B. had not motioned the Court for Pro Hac Vice.

89 C. was not allowed to represent Twitter in this Court.

90 14. Attorney Eck believes that Attorney Schwartz appeared on the Motion.

91 15. Attorney Eck believes that Attorney Schwartz is included in the Motion.

92 16. Unauthorized practice of law is not typical practice in New Hampshire.

93 17. The Defendant's Motion is illegal under N.H. RSA 311:7.

94 18. The Defendant's Motion is prohibited under precedential laws.

95 19. The Defendant's Motion is non-conforming under Fed. Rules of C.P., Rule 12.

96 20. New Hampshire has a strong policy against the unauthorized practice of law.

97 21. Generally, the use of the word "shall" in a statutory provision is a command,  
98 requiring mandatory enforcement.

99 22. The use of the word "shall" in a Rule, Statute or Law is not discretionary and  
100 requires mandatory enforcement.

101 23. The use of the word "must" in a Rule, Statute or Law is not discretionary and  
102 requires mandatory enforcement.

103 24. The rule of law means that everyone must obey the law, and no one is above the  
104 law.

105 25. A Federal Court must apply state laws if no federal laws apply.

106 26. a Member of the Federal Court Advisory Committee, for this Court, The United  
107 States District Court for the District of New Hampshire.

108 27. Attorney Eck is a Board Member of Governors, New Hampshire Bar Association.

109 28. Attorney Eck is Chair of the New Hampshire Bar Association Committee on  
110 Cooperation With the Courts.

111 29. Attorney Eck is an Executive Committee Member of the New Hampshire Estate  
112 Planning Council.

113 30. Attorney Eck is the Vice President and Trustee of the New Hampshire Supreme  
114 Court Society.

115 31. Attorney Eck is a past President of the Manchester Bar Association.

116 32. An Attorney's conduct should conform to the requirements of the law.

117 33. The Defendant is not an infant, incompetent, or presently engaged in the military  
118 service.

B. General Statements

34. No memorandum of law is necessary because Plaintiff cites herein the authority in support of his motion or is within the discretion of the Court.

35. Defendant has been contacted and does not assent to the relief sought through this Motion.

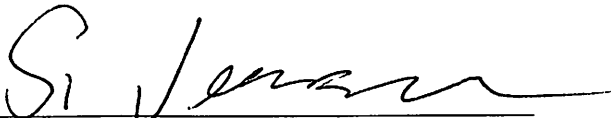
WHEREFORE, the Plaintiff, respectfully requests that this Honorable Court:

A. Judicially Notice the known facts listed above;

B. Direct Plaintiff if form is incorrect; and

C. Grant such other and further relief as the Court deems just.

Respectfully,

  
/s/ Plaintiff, Anonymously as Sensa Verogna  
SensaVerogna@gmail.com

**CERTIFICATE OF SERVICE**

I hereby certify that on this 29th day of July 2020, the foregoing document was made upon the Defendant, through its attorneys of record to Jonathan M. Eck jeck@orr-reno.com and Julie E. Schwartz, Esq., JSchwartz@perkinscoie.com.

CASE #

1:20-CV-00536-Sm